

ARTICLE VI. GENERAL PROVISIONS

Section 1. Reimbursements and payments. Any reimbursements received by an agency of the State for authorized services rendered to any other agency of the State Government, and any payments to an agency of the State Government made in settlement of a claim for damages are hereby appropriated to the agency of the State receiving such reimbursements and payments for use during the fiscal year in which they are received.

The reimbursements and payments received shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made, or in the case of damage settlements to the appropriation items or accounts from which repairs or replacements are made.

Sec. 2. No State agency shall incur an obligation in excess of the amount appropriated for such activity.

Sec. 3. Transfers for civil defense. In the event of war declared by the Congress of the United States and in order to permit the diversion of sufficient moneys appropriated otherwise in this Act for meeting the emergency needs for citizens of this State resulting from such war, the Governor is hereby authorized to transfer moneys from any part of unobligated balances in any item or items appropriated by this Act for capital outlay, equipment, and new construction, to the appropriation account for the civil defense and disaster relief program of this State.

Such transfers shall be made by the State Comptroller upon the Governor's authorization, after notification to the State

agency or agencies affected by such transfers.

The amounts of any such transfers, the name of the agency or agencies from which such appropriation transfers were made, and the objects and purposes for which such transferred amounts were expended in the civil defense and disaster relief program, are to be detailed in the Governor's message to the next session of the Legislature.

Sec. 4. Political aid and legislative influence prohibited. None of the moneys appropriated by this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition, however, shall not be construed to prevent any official or employee of the State from furnishing to any member of the Legislature, or to any other State official or employee or to any citizen, any information or facts pertinent to the official duties and responsibilities of the State agency he represents.

No employee of any State agency shall use any State-owned automobile except on official business of the State, and such employees are expressly prohibited from using such automobiles in connection with any political campaign.

Any employee who violates any of the provisions of this section shall be dismissed immediately from any employment by the State.

The head or heads of each agency of the State shall furnish each employee of such agency with a copy of the three paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The preceding sentence shall not be construed

to mean that new receipts are to be obtained each biennium from continuing employees who have previously receipted for copies of identical provisions prohibiting political aid and legislative influence. The receipts shall at all times be kept accessible for public inspection. The failure of a head of any agency of the State to comply with this paragraph constitutes malfeasance in office, and upon judgment so adjudicating such agency head shall be removed from office.

Sec. 5. Other employment policies. It is further provided that moneys appropriated for salaries and wages in this Act shall be expended in accordance with the following stipulations and restrictions.

a. Office hours of State agencies will be from 8:00 a.m. to 5:00 p.m., Monday through Friday of each week except holidays authorized in this Act. The responsible executive head will arrange for the State headquarters of each agency to be open on each Saturday from 8:00 a.m. to 12:00 noon with an administrative assistant on duty in order to carry out any business of the agency. Regular employees of the State shall work forty (40) hours a week excepting official holidays. It is further provided that exceptions to the minimum length of work week may be made by the operating head of a State agency for house parents and other employees whose duties require them to reside in a State hospital or institution; for guards, firemen, and other employees whose services are required for longer periods in the public interest; and pursuant to Article II of this Act.

b. Holidays for State employees shall be those specified as follows: 1st of January, 19th of January, 12th of February, 22nd of February, 2nd of March, 21st of April, 30th of May, 3rd of June, 4th of July, 1st Monday in September, 12th of October, 11th of November and the 25th of December of each year; and all days appointed by the President of the United States or by the Governor as days of thanksgiving; and every day on which an election is held throughout the State; and any additional holidays proclaimed by the Governor.

Heads of State agencies are to provide additionally not more than four (4) working days for a Christmas holiday for each employee. Such Christmas holidays must be so arranged, however, that no agency of the State shall remain closed to the public use and benefit for more than two (2) consecutive normal working days during the Christmas season. For purposes of providing State employees such additional holidays during the Christmas season, the Christmas holiday season for the calendar year ending December 31, 1955, shall commence on the 21st day of December 1955 and cease after the 30th of December, 1955. The 24th day of December, 1955, shall not be considered a working day. For purpose of providing such additional Christmas holidays for State employees for the calendar year ending December 31, 1956, the holiday season shall commence on the 20th of December, 1956, and cease after the 28th day of December, 1956. The 22nd of December, 1956, shall not be considered a working day.

When any holiday indicated in the first paragraph of this subsection falls on a Sunday, the following Monday shall be deemed

to be the holiday. When any specified holiday falls on a Saturday, then that Saturday will be observed as the holiday.

When any of the holidays indicated above fall on days when either House of the Legislature is in session, the head of the State agency shall provide for sufficient staff to be on duty in order to carry out any business of the agency.

Any employee who is required to work on any of the holidays mentioned in this subsection b, and who does work on any of the said holidays, shall be entitled to compensating time off to be taken on such days as may be mutually agreed upon by the employee and his supervisor.

Legal holidays and Christmas to be observed by institutions of higher education shall be equivalent to those specified in this subsection b, except that the governing boards of the various educational institutions may adjust the actual observance of such holidays as will permit efficient academic schedules.

Hourly wage workers continuously employed for six (6) months or longer may receive the same holidays, with pay, as that given employees on regular monthly basis.

c. Annual employees of the State shall, without deduction in salary, be entitled to a vacation that is equivalent to one (1) working day for each month of service, not to exceed a total vacation of 80 normal working hours in any fiscal year. Any unused vacation entitlement earned in any one fiscal year may be used only during the following fiscal year. No employee shall be allowed any paid vacation entitlement until he has had continuous employment with the State for six (6) months.

In computing vacation time taken, time during which any employee is excused from work because of holidays, shall not be charged against the employee's vacation entitlement.

If a State employee transfers directly from one State agency to another, he shall be entitled to credit with the newly employing agency for his accumulated but unused vacation entitlement, provided that his employment with the State is uninterrupted.

d. Sick leave with full pay for regular employees of the State may be allowed at the rate of 12 hours per month of continuous employment, and accrued amounts of sick leave may be carried forward for a maximum period of two (2) years of continuous employment. The use of sick leave privileges shall be governed by the following provisions and restrictions:

An employee is not entitled to take sick leave with pay except when actually ill. Malingering and other abuses of sick leave privileges shall constitute grounds for dismissal from employment by the

State. Accumulated sick leave shall not constitute a claim for reimbursement when an employee leaves the employment of the State.

An employee who must be absent from duty because of illness shall notify his supervisor or cause his supervisor to be notified of that fact at the earliest practicable time.

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative head of his employing agency a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head.

Upon returning to duty after sick leave, an employee shall immediately complete sick leave application forms to be designed by the employing agency with the approval of the State Auditor. Approved applications for sick leave shall be filed in the employing agency's personnel files.

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head or heads of any agency of the State provided such exceptions are authorized on an individual basis after a review of the merits of each particular case. A statement of any such authorized exceptions or the reasons for them shall be attached to the State agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions.

Provided, however, that the foregoing provisions regarding sick leave shall not apply to State institutions of higher education which have established rules in effect prior to the adoption of this Act for sick leave for the non-academic and academic staffs of such

institutions and such sick leave policies may continue to be established by the governing boards of such institutions.

e. The administrative head or heads of each agency of the State shall require a record to be kept of the absences of each employee, and the reasons therefor whether from sickness, vacation, or leave of absence without pay. Such records shall be available for public inspection.

f. All annual salaries appropriated by this Act shall be paid in twelve (12) equal monthly installments, except as otherwise provided in Article II of this Act. However, this paragraph shall not be construed so as to prevent the head of any agency of the State from paying less than the maximum salary rates specified in this Act, or the employment of part-time employees to fill any regular position provided for in this Act so long as the salary rate for such part-time employees are proportional to the regular rate for full-time employment.

It is further provided that agencies of higher education which make contracts for less than a twelve-month period may pay salaries in equal monthly payments for the period contracted for.

g. None of the funds appropriated in Articles, I, II, and III of this Act in items designated for travel expense, other operating expense, for capital outlay or equipment, or for maintenance, miscellaneous and contingent expenses, may be used for paying

any salaries and wages unless the language of those items explicitly authorizes such use.

In these instances where the language of such items does explicitly authorize the use of funds for paying salaries and wages, such employees shall not be paid a larger amount than that provided in the regular appropriated salary items for similar positions in such agency of the State. In the event there are no similar positions within such agency, then such employees shall not be paid a larger amount than that provided for similar work or positions elsewhere in the State Government. In the event common laborers, skilled laborers, and mechanics cannot be obtained at the salary rates indicated in this paragraph, then the head of such agency of the State may pay for temporary employment only at rates not exceeding the prevailing wage scale paid in the locality where the temporary service is to be rendered.

Sec. 6. Alcoholic beverages. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty.

Sec. 7. Publicity of individuals restricted. None of the moneys appropriated under this Act shall be used by any agency of the State Government for the purpose of publicizing or directing

attention to any individual official or employee of any agency of the State Government.

It is further provided that none of the moneys appropriated under this Act shall be used by any agency of the State Government for maintaining any publicity office or department, or for the employment of any person who has the title or the duties of a public relations agent, publicity agent, or press agent, or for paying any public relations firm or agent.

The policy and restrictions set out in this Section shall not be intepreted to prevent the head of any agency of the State, when he deems it necessary or desirable in the public interest, to issue through any of such agency's officials or employees any statement or information respecting the work, legal responsibilities, or activities of such agency. Such statements shall be issued, or such information imparted, in the name of the agency of the State but shall be issued under or have attached thereto the name of the official or employee authorized to issue the same.

It is also provided that any agency of higher education may continue to maintain and operate a news and information service for the benefit of the public which has been specifically authorized and approved by the governing board of such agency of higher education.

TRAVEL PROVISIONS

Sec. 8. General Provisions. a. The amounts herein appropriated for the payments of traveling expenses to each agency are intended to be and shall be the maximum amounts to be expended by employees of such agency.

b. These provisions shall apply to all officers, heads of State agencies, and employees who are reimbursed for traveling expenses from money appropriated in this Act. Heads of State agencies shall mean elected State officials, appointed State officials, appointed State officials whose appointment is subject to Senate confirmation, heads of State Hospitals and special schools, and heads of State institutions of higher education.

c. Unless otherwise provided by law, officers and employees traveling in the performance of their official duties shall not accept any sums of money for wages or expenses, while performing their duties, from any corporation, firm, or persons being audited, examined, inspected or investigated, and must receive their traveling expenses from the amounts appropriated in this Act. The Comptroller is hereby prohibited to pay the salary of any employee of the State who violates these provisions.

d. None of the funds appropriated for travel in this Act shall be used to reimburse employees for traveling expenses while at their designated headquarters except for the local transportation allowance as provided in Section 9c. "Designated Headquarters" means the area within the corporate limits of the city or town in which an employee is required to maintain his official headquarters. At a place not within the corporate limits of a city or town, his

"designated headquarters" means the area within a five-mile radius of the place at which he is required to maintain his official headquarters.

e. Heads of agencies, or employees to whom the authority has been officially delegated, shall authorize travel and approve travel and approve travel reimbursement claims. Heads of agencies shall plan the travel of all employees under their authority so as to achieve maximum economy and efficiency.

f. In no event shall more than three (3) persons from any one (1) agency be approved for travel to any one (1) convention, organized gathering, or meeting of a similar nature. No more than three (3) persons employed by an agency of higher education shall be approved for travel to any one (1) convention, organized gathering, or meeting of a similar nature; provided, however, that if such convention or meeting represents an associated grouping of specialists from different fields which are rarely, if ever, grouped in one (1) subject-matter department, and provided the individuals are attending in a participating rather than a representative character, no more than two (2) persons shall be approved for travel to each such group.

Sec. 9. Transportation Allowance. a. A State officer or employee traveling by private conveyance is entitled to a transportation allowance based on the mileage along the shortest practical route between the point of origin and the destination via immediate points at which official State business is conducted and other necessary mileage at points at which official State business is conducted. The rate of such reimbursement shall be Seven Cents (7¢)

per mile. When two or more employees travel in a single private conveyance, only one (1) shall receive a transportation allowance, but this provision shall not preclude each traveler from receiving a per diem allowance.

b. An employee traveling by public conveyance is entitled to a transportation allowance equal to the actual cost of transportation. This allowance shall not include Federal taxes from which the employee is exempt. Receipts for such public transportation shall be obtained and attached to the employee's expense accounts when submitted. No claim for public transportation will be paid without such receipt.

c. An employee whose duties customarily require travel within his designated headquarters may be authorized a local transportation allowance for this travel. Such allowance, however, shall never exceed the transportation allowance for use of a privately-owned automobile as set by the Legislature in this Act.

d. Transportation purchased by courtesy-card method from air, rail, and bus lines shall be considered as paid in full if stamped as paid by an agent of the transportation agency issuing the ticket; provided, however, that the credit of the State of Texas shall not be pledged to cover the provisions of this subsection.

Sec. 10. Per Diem Allowance. a. A per diem allowance shall mean a flat daily rate payment of Seven Dollars (\$7) in lieu of actual expenses incurred for meals and lodging.

b. State employees are entitled to a per diem allowance while engaged in travel on official State business, provided such travel is authorized by heads of State agencies or an employee to

whom such authority has been officially delegated. Travel per diem allowance shall commence at the time the employee leaves his designated headquarters and cease when the employee returns to his headquarters except as provided in Section 11.

c. In computing the per diem allowance for continuous travel of more than twenty-four (24) hours, the calendar day (midnight to midnight) will be the unit. For fractional parts of a day at the commencement or ending of such continuous travel, constituting a travel period, one-half ($1/2$) the rate for a calendar day will be allowed for each period of twelve (12) hours or fraction thereof subject to the exceptions as stated in Section 10 d. No per diem allowance shall be paid employees traveling on official State business who are away from designated headquarters for a period of less than six (6) hours.

d. An employee whose duties require travel for periods which do not require him to sleep away from his designated headquarters shall receive a partial per diem allowance for meals rather than a per diem allowance. Such partial per diem allowance shall be determined by the head of the agency and shall be based upon a reasonable estimate of the actual cost of the meals involved. In computing the partial per diem allowance, the travel period shall commence at the time the employee departs from designated headquarters. In no event will the partial per diem allowance exceed Four Dollars (\$4) per day.

e. When it is cheaper, a traveling State employee may return to his home daily or on the week end rather than stay out at State expense. It is within the province of such agency head to require

the employee who is away on official State business to report back to his designated headquarters or home on week ends or each evening if he deems it expedient.

f. When conditions warrant it and under rules established by the agency, persons authorizing travel may reduce the per diem allowance for any part of an employee's travel, provided that such employee shall be notified of such reduced per diem before being allowed to incur any expense. It is the intention of this subsection that employees whose living costs are unusually low when engaged in travel, such as those camping out, need not be paid the full per diem allowance.

g. Standard expense account forms shall be used by all State agencies in preparing the expense accounts for traveling State employees. Such form shall be prescribed by the State Comptroller with the advice of the State auditor. The standard expense account form shall contain information stating the point of origin and the town, place or point of destination of each trip and the mileage actually traveled between each town, place or point; intracity mileage; the actual period of time the employee is away from his designated headquarters entitling him to travel expenses; and a brief statement of the purpose of such travel.

Sec. 11. Restrictions on the Per Diem Allowance. Per diem allowance shall not include those days when an employee is

(a) Absent from headquarters for personal reasons.

(b) Absent for any reason not connected with the duties of the agency by whom the employee is employed.

Sec. 12. Out-of-State travel expenses. a. Employees traveling on State business outside the boundaries of the State of Texas shall be allowed the same rate of transportation allowance as provided in Section 9 and an out-of-state per diem allowance of Nine Dollars (\$9) for each twenty-four (24) hour period or fractional part thereof commencing on the hour when the employee leaves the State boundary line and ceasing on the hour when the employee enters the State boundary line. The regular per diem allowance will be paid, if properly authorized, as long as the employee is on official State business inside the boundaries of the State of Texas and away from his designated headquarters.

b. This out-of-state allowance shall not apply to those employees whose duties customarily require them to cross State boundary lines in carrying out their day-to-day functions connected with official State business. These employees shall be reimbursed at the rate prescribed for the regular per diem allowance.

Sec. 13. Travel by officers and employees of agencies of higher education. No official travel expense shall be incurred by members of governing boards, executive and administrative heads, or by any employee, of State agencies of higher education, inside or outside the boundaries of Texas, except for official business as approved by the appropriate governing board or the executive head.

Official business shall include the formal presentation of original researches by an employee, if before a national, regional, or State learned society approved in advance by the executive head of the agency of higher education. No official travel shall be performed by such members, heads and employees, outside of State for any purpose except with the approval of the appropriate governing board.

Sec. 14. Double travel expense payments to employees prohibited. When an employee engages in travel for which he is to be compensated from any other source, he shall not submit a claim under the provisions of this Act. If the employee, by oversight, receives double travel expense payment he shall reimburse the State Treasury for any amount received under the provisions of this Act.

Sec. 15. Duties of the Comptroller and State Auditor. The Comptroller shall promulgate rules and regulations to facilitate the execution of these travel provisions, and shall, with the concurrence of the State Auditor, prescribe the form on which travel expense claims are to be submitted. The Comptroller shall approve claims for travel expense and issue warrants on the basis of approved claims. When the Comptroller determines that a claim for a transportation allowance is not based on the shortest practical route he shall revise the claim and pay it on the basis of this revision.

As a part of his post audit procedure the State Auditor shall check for compliance with the provisions of this Act to the extent that he deems necessary.

Sec. 16. Recovery of overpayments. An employee who receives an overpayment for travel expenses shall reimburse the State

therefor. If the employee fails to reimburse the State for such overpayment the Comptroller is authorized to deduct the amount of the overpayment from any other claims due and payable by the State to the employee.

Sec. 17. Penalties. Employees willfully attempting to defraud the State on travel claims shall be dismissed.

Sec. 18. Exceptions to the Per Diem Allowance. a. Members of the Legislature and other elected State officials and heads of State agencies shall be reimbursed for their actual meals, lodging and incidental expenses when traveling on official business either in or out of the State.

b. Employees of the Governor's Office and employees of other State departments designated by the Governor to represent him officially at governmental meetings or conferences when held out of the State shall receive actual meals, lodging, and incidental expenses.

c. Any Assistant Attorney General, or representative of the State Health Department, or representatives of the Adjutant General, or representative of the State Board of Education, or representative of the Department of Public Welfare, or representative of the State Highway Commission or representative of the Railroad Commission when any of these classes of State employees are appearing before any Federal Agencies or agencies of other States in any other State or Washington, D. C., shall receive actual meals, lodging and incidental expenses.

Sec. 19. Travel Budgets for State Agencies. Each State department, agency, institution, or commission for which funds are appropriated in Articles II and III of this Act shall prepare prior to the beginning of each fiscal year an annual travel budget out of the funds appropriated therefor. Such travel budget shall be on file in the agency and available for inspection on request. The annual travel budget shall be divided into equal quarterly allotments, and not more than one-fourth ($1/4$) of the annual travel budget may be expended in any one (1) quarter unless the agency head finds it necessary to exceed such quarterly allotment. In the latter event, the head of such agency shall file with the Legislative Budget Board and the State Comptroller a justification of that excess, and an amended annual travel budget which keeps annual travel expenditures within the total annual allotment or appropriation therefor.

Sec. 20. Moving Expenses. None of the moneys appropriated in this Act may be expended for paying expenses of moving the household goods or other property or personal effects of officers or employees except as otherwise provided in this Act.

Sec. 21. Passenger vehicles. a. None of the moneys appropriated in this Act may be expended for the purchase of passenger cars or of airplanes designed for passenger transportation unless authority to do so is explicitly stated by the language of this Act. Moreover, none of the moneys appropriated in this Act may be expended for the maintenance or operation of any State-owned passenger car or airplane designed for passenger transportation unless the authority to do so, and the number of passenger cars or airplanes to be maintained and operated, are explicitly stated by the language of this Act.

Where the language of this Act explicitly authorizes the maintenance and operation of a specified number of State-owned passenger cars by an agency of the State, such agency shall file with the Comptroller by September 15, 1955, a list identifying the passenger cars to be maintained and operated; and none of the funds appropriated by this Act shall be available to such agency for expenditure unless and until such list has been filed. The list also shall be amended and corrected by such agency from time to time as the identity of passenger cars being maintained and operated within the prescribed limitation changes during the biennium.

b. Only the following passenger-carrying vehicles are exempt from the restrictions on purchase, maintenance and operation specified in this section: panel, pick-up and delivery trucks and trucks required for the conveyance of special equipment; motorcycle delivery units; dual-control automobiles used exclusively for driver training; passenger cars equipped with two-way radios, motorcycles, jeeps and boats needed, and used for fire prevention, fire-fighting and other

activities for safeguarding public safety, public property, or for criminal law enforcement; ambulances or other passenger vehicles specially equipped and regularly used for ambulance services; buses and station-wagons regularly used for the mass transportation of numbers of people and essential to the efficient management of the operating agency of the State.

c. In those instances where the language of this Act explicitly authorizes the purchase of passenger cars, none of the appropriated funds so authorized shall be expended for the purchase of a passenger car having a wheel base in excess of one hundred and seventeen (117) inches; provided, however, that if passenger cars of longer wheel base are offered at lower prices, the Board of Control may purchase same.

Sec. 22. Acquisition of property. In order to conserve the moneys appropriated by this Act, the Board of Control, and the Governing Boards of the State institutions of higher learning either acting directly or through the Board of Control or through any other State agency in behalf of their respective institutions, are hereby authorized to negotiate purchases of commodities and supplies of any kind or character whatsoever needed by any State agency with the duly authorized agencies of the Federal Government. However, any such commodities or supplies so purchased shall be obtained at a price not to exceed the prevailing market value thereof, and if there be no market value then at the real or intrinsic value.

It is further provided that the State Board of Control and the Governing Boards of the State institutions of higher learning are authorized to waive the requirement of bidder's bond and

performance bonds, otherwise required, in negotiating such purchases with the duly authorized representatives of the Federal Government.

Except as specifically authorized to do so by existing statutes, none of the agencies for which appropriations are made in this Act shall accept the donation of real property, except gifts or devises of real property from private sources for the establishment of scholarships, professorships, or other trusts for educational purposes, provided such property will not thereafter require appropriations by the Legislature for operation, maintenance, repair or the construction of buildings; or expend any of the moneys appropriated herein for the purchase of real property without the expressed permission and authorization of the Legislature. Provided, however, that Southwest Texas State Teachers College is specifically authorized to purchase certain real property near or adjacent to the college campus to complete the campus plan.

Sec. 23. Federal contracts and agreements. When an agency of the State Government has entered into a contract or agreement with the Federal Government, such State agency shall file a copy of such contract or agreement with the Secretary of State for recording. Such State agency shall not encumber or expend any Federal funds received through such contracts or agreements until said copy is filed with the Secretary of State. Provided, however, that copies of research contracts classified in the interest of National security shall not be filed, but in lieu thereof a statement that such a contract has been made shall be filed.

Sec. 24. Federal funds appropriated for use. Any funds received by the agencies of the State named in this Act from the United States Government are hereby appropriated to such agencies for the purposes for which the federal grant, allocation, aid, or payment was made, subject to the provisions of this Act.

Sec. 25. Interpretation of estimates. In the event the amounts of federal funds, local funds, or funds other than appropriations from the General Revenue Fund, have been estimated in this Act in sums greater than are actually received by the respective agencies of the State, this Act shall not be construed as appropriating additional funds from General Revenue to make up such differences. Wherever the language of this Act appropriates all receipts and balances from a specified source but uses an estimated amount to inform the Legislature and the public, the estimated figure is not to be construed as a limitation on the amount appropriated.

Sec. 26. Salary payment withholdings and deductions. The disbursement of moneys appropriated in this Act for salaries and wages shall be subject to the provisions of Public Law No. 68, 78th Congress, known as the Current Tax Payment Act of 1943, and any amendments thereto. The officers and employees of agencies for which appropriations are made in this Act also are authorized to make retirement deductions in accordance with the Teachers Retirement or Employees Retirement or Judiciary Retirement acts on payroll forms prescribed by the State Comptroller, and the Comptroller is directed to issue warrants accordingly.

Sec. 27. Retirement Matching. In each instance in which an operating fund or account is created by the provisions of this Act, the responsible officials of the State are authorized to transfer into such operating fund or account sufficient moneys from local funds and federal grants of funds to pay proportionally the costs of matching State employee retirement contributions.

Sec. 28. Purchases of Postage. None of the moneys appropriated in this Act shall be expended for postage stamps or post office box rent except on vouchers made payable to a United States Post Office, and the warrant or check shall be endorsed by the Postmaster from whom the purchase is made; provided, however, this restriction shall not apply in any reimbursement authorized under Section 1 of this Article.

If the expenditures for postage by any agency, other than an agency of higher education, exceed Five Hundred Dollars (\$500) for any one year, such agency shall install a postage meter machine and have all purchases of postage recorded on that postage meter machine, excepting purchases of stamps for field offices or traveling employees. The installation cost and rental of the postage meter machine shall be paid from appropriations itemized in this Act for general operating, other operating, maintenance, miscellaneous, or contingent expenses.

Sec. 29. Rented machines and equipment. None of the moneys appropriated under this Act shall be used for the rental of office machines or any equipment of any kind without first having presented a requisition for the rental thereof to the Board of Control and secured that Board's written approval, and the State Comptroller

or any local disbursing officer shall not issue warrants or checks in payment of said rental without that Board's written approval. None of the moneys appropriated under this Act shall be paid to any seller who delivers any used or rented equipment in fulfillment of an order for new machines or new equipment, even though said machines or equipment have been used by the agency so desiring to purchase.

Sec. 30. Embossed or engraved printing. None of the moneys appropriated under this Act shall be used for the purchase of embossed or engraved printing and stationery, except for the Governor's Office and degrees or diplomas awarded by agencies of Higher Education.

Sec. 31. Cooperation for the general welfare. The departments and agencies of the State, when requested by the Governor, are authorized to use available moneys appropriated in this Act for the purpose of rendering all practical assistance to the Governor or to State departments and agencies designated by him in making surveys and investigations, in disseminating information and conducting research, concerning the advantages and capacities of the State with respect to industrial activities, or the production, processing, and use of farm and ranch products, or the utilization of natural resources, or the solution of the problems of small businesses, or the growth and development of rural and urban areas, or for such other purposes as will aid the economic growth and general welfare of the State.

Sec. 32. Transfer of surplus revenue from special cigarette tax. From and after September 1, 1955, all receipts to the State Hospital Fund created by Article XIX (House Bill No. 3), Chapter 2, Acts of the Fifty-first Legislature, First Called Session, and all moneys accruing to said fund on and after September 1, 1955, from any and all sources whatsoever which are in excess over and above the Five Million Dollars (\$5,000,000) a year appropriated to the State Hospitals and Special Schools Building Fund, are hereby transferred to the General Revenue Fund.

Sec. 33. Audits. None of the appropriations herein made shall be used to employ any firm or person to audit the books of any department, board, commission, institution or State agency, this being the duty of the State Auditor; provided, however, that in any instances where the funds available to said State Auditor are not, in his judgment, sufficient for any requested or contemplated audit, the department head or heads having authority to disburse the appropriations herein made are hereby authorized to direct the State Comptroller to transfer from any appropriations to the appropriation herein made for the State Auditor the amount which in the judgment of the State Auditor is necessary for the purpose of making such audit.

Any amount so transferred to the State Auditor shall be used by him only for the actual costs of the specified audit, and any balances of such funds remaining at the end of any fiscal year are hereby appropriated to the State Auditor for the purpose of completing the audit or audits for which the funds were transferred. On the completion of any such audits any excess funds remaining

shall be transferred by the State Auditor back to the department, board, commission, institution or agency from which transferred.

Sec. 34. Employee bond premiums. Out of any of the appropriation items specified in this Act for administration or administrative expense, for operating expenses, for general operating expenses, or maintenance and miscellaneous expense, or for contingencies, the respective agencies of the State are authorized to pay the premiums for bonding employees. Such bonds shall be of either individual or "blanket" type, depending on which type will be at the lower cost to the State.

Sec. 35. Sales of lists. The proceeds of all sales of lists which are prepared by State agencies for which appropriations are made in this Act shall be deposited to the credit of the appropriation item out of which the costs of preparation are made.

Sec. 36. Absence from the State. None of the moneys appropriated in Article I of this Act or to the Central Education Agency may be expended for the salary of any officer or employee who is absent from the State and not on official State business for more than thirty (30) days during any single fiscal year.

Sec. 37. Student employment at Waco and Corsicana State Homes. Subject to the approval of the appropriate governing boards, students fourteen (14) years of age and older at the Waco State Home and the Corsicana State Home may be assigned necessary duties in the operations of the institutions and be paid on a limited basis out of any funds available to the respective institutions not to exceed Four Thousand Dollars (\$4,000) a year for each institution.

Sec. 38. Special limitation on travel. Such travel expenses as may be incurred by employees of the Attorney General's office on official business are to be paid only from the appropriations for travel expenses specified in this Article for the Attorney General's office, and such expenses may not be paid out of travel expense appropriations made to other departments and agencies of the State; provided, however, that this Section shall not prevent the payment of travel expenses on official business incurred (a) by the Attorney General, or by members of his staff, from appropriations made herein to the Governor's office, (b) nor by one (1) Assistant Attorney General from appropriations for travel authorized out of the Liquor Act Enforcement Fund; and (c) nor by one (1) Assistant Attorney General fully engaged on work for the Texas Employment Commission out of funds appropriated to the Commission.

Sec. 39. Airplane flight logs. Any agency of the State for which the appropriation language in this Act authorizes the use of airplanes, shall also include in its annual report extracts from such airplane flight logs to show accurately the names of places to which flights were made, the name of the pilot and the name or names of any passengers on each such flight; and shall also describe the official business purposes of each such flight.

Sec. 40. Architectural fees. Architectural fees paid from funds appropriated in this Act shall be governed by the following schedule and provisions:

a. Schedule of fees to be paid an architect or architects for all professional services as set out below, based on the total cost of the work, shall not exceed the following amounts:

(1) On multiple building projects where one (1) building type is used in two (2) or more locations within the same project, the fees to be paid shall not exceed the following amounts:

	<u>Cost of Project</u>	<u>Fee</u>
The first - - - - -	\$ 200,000.00	5 %
The next - - - - -	300,000.00	4.5%
The next - - - - -	500,000.00	4 %
The next - - - - -	1,000,000.00	3.7%
The next - - - - -	1,000,000.00 and over	3.3%

(2) On individual projects and on multiple building projects not covered by Section 40. a. (1) hereof, not to exceed six per cent (6%).

b. The maximum fees specified shall include the costs of all professional services rendered by an architect or architects, and the aggregate contract price for services rendered by the "consulting architect" and the "associate architect" shall never exceed the applicable fee limitation set forth in Section 40. a. hereof.

c. Architectural fees shall include:

(1) The necessary conferences, and the preparation of preliminary studies;

(2) The production of complete architectural, mechanical, and structural drawings, and specifications, including their proper correlation.

(3) Any other architectural services.

d. The architect shall supervise the construction of the work to such an extent as may be necessary to ascertain whether the work is being executed in conformity with his working drawings or specifications or directions; make recommendations on materials and equipment; check and report on contractors' proposals in connection with changes in the contract, and approve certificates of payment.

e. The State will furnish the architect a limited consulting service consisting of a complete site survey, soil analysis, and a program of the work outlining in detail the space requirements, and their general arrangement, and the standards of types of construction.

f. When continuous field supervision or a clerk-of-the-works is deemed necessary by the State, such supervisory personnel shall be furnished by the State subject to approval by the architect. Such supervisory personnel shall be employees of the State.

ARTICLE VII. SAVING CLAUSE

If any section, sentence, clause, or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

ARTICLE VIII. EMERGENCY CLAUSE

The importance of this legislation to the people of the State of Texas, and the crowded condition of the Calendars in both Houses of the Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1955.

President of the Senate

Speaker of the House